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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,073	03/13/2006	Yasushi Shigeta	03125/33	9821

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AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NY 10016

EXAMINER

GALKA, LAWRENCE STEFAN

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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04/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,073	Applicant(s) SHIGETA, YASUSHI	
	Examiner LAWRENCE GALKA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/22/10 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3714

DETAILED ACTION

Response to Amendment

1. Applicant's submission of a response on 1/22/10 has been received and considered. In the response, Applicant amended canceled claims 1-35 and added claim 36-49. Therefore, claims 36-49 are pending. In addition, Applicant has provided two revised drawing sheets containing Figures 9, 10, 11 and 19 which have been approved for entry. Further, the applicant has provided 1 new and 2 replacement paragraphs for the specification that fix several typographical errors which are approved for entry.

Double Patenting

2. Claims 36-45 and 49 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 11/929749. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim a card reading system with two sensors that reads two rows of codes off of playing cards and compares them to stored values to determine if a card has been improperly inserted into a deck.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. Examiner notes that MPEP 804 (B) (1) does not apply to this application at this time. This double patenting rejection is not the only remaining rejection in this application and there are no current rejections against the later filed co-pending application. Examiner will withdraw this rejection when these conditions occur.

Art Unit: 3714

Claim Objections

3. Claims 47 and 49 objected to because of the following informalities: the term “wherein processor” (claims 47 & 49, line 1) should be recited as --wherein the processor-- so as to correct a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 39 and 40 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Both claims recite a “UV sensor” or “UV sensors” but a UV sensor was not described in the specification. Examiner believes that the described UV-luminous ink requires a normal sensor and a UV light source. The UV light causes the UV-luminous ink to reflect visible light which can be detected by visible light sensors. No UV sensor is necessary or was described. Examiner suggests amending “UV sensor” to --light sensor and UV light source-- to overcome this rejection.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3714

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 36-37, 39-44 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuff et al. (pat. no. 4,534,562) in view of Daley (pat. no. 6,042,150).

9. Regarding claim 36, Cuff discloses *a card reading system, comprising: a card housing for containing playing cards (Fig. 2, 12); at least one card detecting sensor for detecting the presence of a card being drawn from the card housing (card presence detector, Fig. 3, 38 and col. 5, lines 25-35); and at least one card reader for reading card information from a code printed on a surface of the card (photocells; Fig. 3, 34&36 and col. 5, lines 22-25), wherein the card reader reads the code by detecting at least two rows of code elements arranged along at least one side on the surface of a card in a card drawing direction, wherein the rows of code elements are stacked inwardly from an edge of the card toward a center of the card and spaced apart from each other (Fig. 3 and col. 4, lines 26-35).* It is noted that Cuff does not disclose that the codes are printed in UV-luminous ink. Daley, however, teaches of a playing card security system where the code is viewable under UV light (col. 3, lines 61-63). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the Cuff invention to incorporate the UV visible code as taught by Daley. Adding a UV

Art Unit: 3714

visible code of Daley would make the codes invisible to the players thereby making any security system less intrusive.

10. Regarding claim 37, Cuff discloses *the card reader reads a code that corresponds to at least one of a rank and a suit of the card* (col. 3, lines 37-45).

11. Regarding claim 39, Cuff discloses *the card reader comprises at least two UV sensors for reading the code on the card* (photocells; Fig. 3, 34&36 and col. 7, lines 16-55).

12. Regarding claim 40, Cuff discloses *a first UV sensor reads a first row of code elements of the code and a second UV sensor reads a second row of code elements of the code* (photocells; Fig. 3, 34&36 and col. 7, lines 16-55).

13. Regarding claim 41, Cuff discloses *a card guide for guiding a card through a path where the card reader reads information from the card* (Fig. 2, 30 and col. 4, line 66 to col. 5, line 2).

14. Regarding claim 42, Cuff discloses *the card guide and the card reader are arranged such that the code on the card passes through the card reader when the card is slid with a side of the card being in contact with the card guide* (col. 7, lines 9-15).

15. Regarding claim 43, Cuff discloses *a processor for determining the identity of the card based on the card information* (col. 6, lines 6-9); *and a computer-readable storage medium for storing card information that is read by the card reader* (col. 6, lines 10-14).

16. Regarding claim 44, Cuff discloses *the processor controls the card reader to read the code when the at least one card detecting sensor detects the presence of a card* (col. 7, lines 9-15).

17. Regarding claim 46, Cuff discloses *the processor determines whether a card has passed through the card reader in a proper attitude based on signals from the at least one card*

Art Unit: 3714

detecting sensor indicating the presence or non-existence of a card (processor determines card direction after triggered by presence detector to start reading; see col. 7, lines 9-55).

18. Regarding claim 47, Cuff discloses *the processor outputs a result of whether the card passed through the card reader in a proper attitude* (processor outputs whether card is moving in A or B direction. See col. 7, lines 30-38 and Fig. 11f & 11g).

19. Regarding claim 48, Cuff discloses *the processor outputs a result of the card information that is read by the card reader* (processor constructs binary word encoding suit and rank information; see col.7, lines 51-55).

20. Claims 36, 38, 43 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea, Jr. (pat. no. 6,093,103) in view of Daley (pat. no. 6,042,150) and Cuff et al. (pat. no. 4,534,562).

21. Regarding claim 36, McCrea, Jr. discloses *A card reading system, comprising: a card housing for containing playing cards; at least one card detecting sensor for detecting the presence of a card being drawn from the card housing* (fig. 4, 400); *and at least one card reader for reading card information from a code printed on a surface of the card* (shoe with card reader; see Fig. 12 and col. 6, lines 43-46). It is noted that McCrea, Jr. does not disclose that the codes are printed in UV-luminous ink or two rows of code elements. Daley, however, teaches of a playing card security system where the code is viewable under UV light (col. 3, lines 61-63). Furthermore Cuff teaches reading two rows of code elements (Fig. 3 and col. 4, lines 26-35). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the McCrea, Jr. invention to use the dealing shoe of Cuff and the UV visible code as taught by Daley. The Cuff shoe would allow the use of cheap light sensors in

Art Unit: 3714

place of a camera and adding a UV visible code of Daley would make the codes invisible to the players thereby making any security system less intrusive.

22. Regarding claim 38, McCrea, Jr. discloses *the card reader reads a code that corresponds to a group to which the card belongs* (common identity code; see col. 2, lines 65-67).

23. Regarding claim 43, McCrea, Jr. discloses *a processor for determining the identity of the card based on the card information; and a computer-readable storage medium for storing card information that is read by the card reader* (gaming control; see col. 6, lines 55-58).

24. Regarding claim 45, McCrea, Jr. discloses *the at least one card detecting sensor includes first and second card detecting sensors spaced apart in a card drawing direction* (Fig. 4, 400 and col. 7, lines 42-53).

25. Regarding claim 49, McCrea, Jr. discloses *processor outputs a result indicating whether fraud has been committed* (alarm signal; see col. 7, lines 17-20).

Response to Arguments

26. Applicant's arguments filed on January 22, 2010 have been fully considered but they are not entirely persuasive.

27. The replacement drawing sheets containing Figures 9, 10, 11 and 19 are accepted and the objections to the drawings have been withdrawn.

28. The 1 new and 2 replacement paragraphs for specification are accepted and the objections to informalities in the specification are withdrawn.

29. The rejection of claims 1, 16, 29, 33 and 34 based on 35 U.S.C. §101 and 112 and double patenting are moot based upon the cancellation of those claims and have been withdrawn.

Art Unit: 3714

30. On pages 9 and 10, Applicant argues that new claim 36 is patentable over the prior art references because they fail to teach UV-luminous ink or two rows of code elements. Examiner respectfully disagrees. Examiner believes that claim 36 is obvious given the teachings of new prior art, Cuff et al. (pat. no. 4,534,562), in combination with Daley (pat. no. 6,042,150) and McCrea (pat. no. 6,093,103) as detailed above. Similarly, dependant claims 37-49 are also obvious as detailed above.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE GALKA whose telephone number is (571) 270-1386. The examiner can normally be reached on M-Th 7:30-5, every other F 7:30-4.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272 4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/
Primary Examiner, Art Unit 3714

LSG 4/9/10